

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

DARNELL WESLEY MOON,

Plaintiff,

vs.

FEDERAL BUREAU OF PRISONS, et al.,

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2:11-cv-178-JMS-WGH

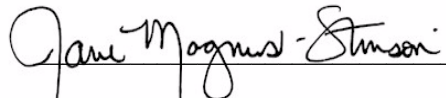
ENTRY

The plaintiff's request that this action proceed as a class action [8] is **denied**. This ruling is made because: (1) the plaintiff is a member of the class he seeks to represent, making him a poor candidate as a representative who would also have to perform the role of counsel, *Loden v. Edgar*, 1994 WL 97726, \*1 (N.D.Ill. Mar. 22, 1994); *see also Wagner v. Taylor*, 836 F.2d 578, 595-96 & n.126 (D.C.Cir. 1987); and 2) the plaintiff is a *pro se* litigant, also making him an inadequate class representative. *See Lasley v. Godinez*, 833 F. Supp. 714, 715 n.1 (N.D.Ill. 1993) (pro se prisoners could not adequately represent class of inmates); *Turner-El v. Illinois Bd. of Education*, 1994 WL 27874, at \*1 (N.D.Ill. Jan. 31, 1994) ("Because a layman does not ordinarily possess the legal training and expertise necessary to protect the interests of a proposed class, courts are reluctant to certify a class represented by a pro se litigant.") (citations omitted) (*citing Phillips v. Tobin*, 548 F.2d 408, 413-14 (2d Cir. 1976); *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975); *Ethnic Awareness Organization v. Gagnon*, 568 F. Supp. 1186, 1187 (E.D.Wis. 1983)).

The portion of the referenced motion in which the plaintiff seeks the appointment of class counsel is **also denied** because the court has not determined that there are viable claims which can proceed in this action and for the reason explained in paragraph 2 of the Entry issued on July 20, 2011.

IT IS SO ORDERED.

Date: 08/02/2011



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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